

CITY COUNCIL, CITY OF LODI  
CITY HALL COUNCIL CHAMBERS  
AUGUST 5, 1964

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m. of Wednesday, August 5, 1964, in the City Hall Council Chambers.

**ROLL CALL**            **PRESENT:** Councilmen - CULBERTSON, KIRSTEN, WALTON  
and DOW(Mayor Pro Tempore)

ABSENT: Councilmen - BROWN (Mayor)

Also present were City Manager Graves, Administrative Assistant Peterson and City Attorney Mullen.

**MINUTES** Minutes of July 15, 1964 were approved as written and mailed on motion of Councilman Kirsten, Walton second.

PUBLIC HEARINGS

APPEAL -  
M. O. RAY, JR.

Notice thereof having been published in accordance with law, Vice-Mayor Dow opened the public hearing on the appeal of Maurice O. Ray, Jr., from the decision of the Planning Commission in denying his request for a zoning variance to permit lot coverage in excess of the maximum requirement and to permit a reduction of the side yard requirement for a home located at 1201 Edgewood Drive in the R-1 single-family residential zone. Mr. Ray had requested the variance in order to enclose a swimming pool which would give year around use of the pool and provide privacy; the enclosure would also provide shade for the excess glass area along the west side of the house. Mr. Graves read the report from the Planning Commission which denied the request for the following reasons:

1. The excessive glass area along the west side could be corrected by removing a portion of the glass, screening it with trees or artificial means, or by constructing a small patio cover.
2. The lot is larger than normal residential lots and a house with an enclosed pool could have easily been designed to fit the property.
3. The enclosure will eliminate the light, air and open appearance which is deemed necessary in single-family residential areas.
4. There is no hardship other than the one created by placing too large a house on the lot.

Mr. Ray explained that he had sold this lot to Lester Gann who had started to build the house, but had not completed it, going into bankruptcy. Mr. Ray said he then bought the house to protect his investment, intended to use it as his home, and that year around use of the pool is needed because of a son who is in ill health and requires the pool for exercise. He showed a model of the proposed enclosure and explained some of the structural details and why they reduced the side yard requirements. He said that there were no objections from any of his neighbors to his proposal. A letter was read from Dr. Cecil Ramsel stating that Mr. Ray's son needed the year around use of a swimming pool for therapy. The Council spent considerable time discussing the location of the pool, yard requirements, the size of the proposed enclosure, etc. City Manager Graves pointed out that the ordinance restrictions are

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minimum and that any deviation requires sound justification. City Attorney Mullen said he had some material on variances which might be useful to the Council in considering this request. Councilman Culbertson felt that the design of the enclosure could be changed to improve the situation and he moved that the matter be continued to the meeting of August 19, 1964, to see if something could be worked out, and in the meantime the City Attorney could send the Council his information on variances. The motion was seconded by Councilman Walton and carried.

APPEAL -  
JUNE S. PARTAIN

Notice thereof having been published in accordance with law, Vice-Mayor Dow called for hearing on the appeal of June S. Partain from the decision of the Planning Commission in denying her request for a zoning variance to permit the re-establishment of a non-conforming commercial use in a building located at 408 East Locust Street in the R-4 multiple family residential zone. Mr. Graves read the report of the Planning Commission which had denied the request for the following reasons:

1. The purchaser of a property is presumed to be aware of its zoning status as well as other encumbrances and restrictions which may affect the property.
2. The applicant has not indicated any investigation into the possibility of converting the existing building into apartments or other uses authorized in the R-4 zone.
3. There is no hardship affecting this nonconforming business building which would not be equally applicable to a number of other nonconforming uses within the city.
4. The property can provide a certain income in its present status by the rental of the residential portion of the building and the remainder of the building could be converted to such use.

Since neither Mrs. Partain or her representative were present, Mr. Graves read her letter of appeal in full which stated that after purchasing the property she had obtained a license to conduct a grocery, but that financing a business takes time and at the end of six months she was informed that the use permit was void due to non-operation of the business. She then applied for a variance of zoning due to the building being a commercial building for 25 years previously. She felt that the surrounding residential area was not so exclusive that a small business would not be allowed to operate. According to her letter, she was unable to get financing to convert the building into apartments and was appealing for a variance in order to open a dry goods or shoe outlet. Members of the Council felt that the reasons given by the Planning Commission for denying the request were valid, and on motion of Councilman Kirsten, Culbertson second, the Council denied the appeal and upheld the decision of the Planning Commission denying the request of June S. Partain for a variance to re-establish a non-conforming use at 408 East Locust Street.

JUNK YARDS  
ORD. NO. 768  
INTRODUCED

Notice thereof having been published in accordance with law, the Vice-Mayor called for public hearing on the proposal to amend the zoning ordinance by requiring a use permit for the establishment of any future junk yards or wrecking yards, said amendment to be effective for one year. There were no protests, written or oral, to the proposal. On motion of Councilman Kirsten, Walton

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second, the City Council introduced Ordinance No. 768 amending Section 27 of the Code of the City of Lodi regarding use permits for junk yards.

REZONING  
1335 W. LOCKE-  
FORD TO C-P  
  
ORD. NO. 769  
INTRODUCED

Notice thereof having been published in accordance with law, Vice-Mayor Dow called for public hearing on the proposal to rezone the property at 1335 West Lockeford Street (northwest corner of Lockeford Street and Neplus Court) from the R-4 Multiple Family Residential Zone to the C-P Commercial-Professional Office Zone. The City Manager read the recommendation of the Planning Commission for the rezoning. There were no protests, written or oral. Councilman Culbertson moved the introduction of Ordinance No. 769 rezoning the property at 1335 West Lockeford Street from R-4 to C-P. The motion was seconded by Councilman Kirsten and carried.

DRIVING IN  
AREA OF  
SENIOR CITIZENS  
CENTER

Mrs. Rosin of the Senior Citizens Club, asked if something could be done about the young people in cars speeding and being noisy in the area of the Senior Citizens Center at 113 North School Street. She said the center was used almost every night and she was afraid someone would be killed by one of the cars. City Manager Graves suggested that people noticing any violations should get the number of the license and sign a complaint so action could be taken against offenders.

## PLANNING COMMISSION

PC ACTIONS

The following actions of the Planning Commission were reported:

1. Approved a zoning adjustment to rezone the La Ruth Park Subdivision from the R-1 to the R-2 residential zone.
2. Approved a zoning adjustment to rezone the Vista Ray Subdivision from the R-1 to the R-2 residential zone.
3. Approved a use permit for Mrs. Elizabeth Nelson to operate a family-plan home for five guests at 913 Wellswood Avenue in the R-3 residential zone.
4. Denied the request of Mr. John Glaros for a directional sign to be located along the west side of U. S. 99 Freeway and 500 feet south of Hale Road in the R-1 residential zone.

SIGNS

The Planning Commission recommended the adoption of certain amendments to the Zoning Ordinance pertaining to the regulation of signs within the city. A letter was read from the Chamber of Commerce Civic Affairs Committee recommending that some thought be given to amending the ordinance to conform with requirements necessary to make the City of Lodi eligible for State Highways and Bypass beautification funds. Mr. Harvey Berglund of Ryan Advertising Company said he would like to work with the Council on the proposed regulations. On motion of Councilman Walton, Culbertson second, the matter was set for public hearing on September 2, 1964. Mr. Berglund said that the ordinance proposed by the Planning Commission will be sufficient for the State to provide landscaping the Bypass. Mr. Clarence Jones of the Civic Affairs Committee said he understood the ordinance recommended by the Planning Commission would not qualify the City for expenditure of State funds to beautify the Freeway. City Attorney Mullen suggested

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that a copy of the proposed ordinance be sent to the State for a determination.

FINAL MAP  
LAKEWOOD  
UNIT NO. 2

All provisions of the subdivision ordinance having been complied with by the subdivider, the final map of Lakewood Unit No. 2 was presented for Council approval. On motion of Councilman Culbertson, Kirsten second, the City Council approved the final map of Lakewood Unit No. 2 as presented.

COMMUNICATIONS

DAIRYLAND RE  
SCHOOL SITES

A letter was received from the City of Dairyland recommending that the City of Lodi indicate to the California State Legislators and the State Department of Education that present standards of school site acquisitions be modified, and a copy of a resolution of the City of Dairyland making such a recommendation was enclosed. On motion of Councilman Culbertson, Walton second, the communication was ordered filed.

ABC LICENSE

Notice was received of an application for alcoholic beverage license, on-sale beer, of Betty C. and Vernon W. Weldin, 548 South Sacramento Street.

REPORTS OF THE CITY MANAGER

CLAIMS

Claims in the amount of \$231,974.52 were approved on motion of Councilman Kirsten, Walton second.

AWARD -  
CARDINAL ST  
STORM DRAIN

The following bids were received for the Cardinal Street Storm Drain:

RES. NO. 2751  
ADOPTED

A. Teichert & Son	\$6,209.80
D. A. Parrish, Inc.	6,081.28
Cal-Western Inc.	6,035.05
R. Goold & Son	5,227.00
Kenneth J. Reitz, Inc.	4,437.40

City Manager Graves recommended that award be made to the low bidder. On motion of Councilman Walton, Kirsten second, the City Council adopted Resolution No. 2751 awarding the contract for the Cardinal Street Storm Drain to the low bidder, Kenneth J. Reitz for a total of \$4,437.40.

AWARD -  
STREET MATERIALS

RES. NO. 2752  
ADOPTED

Mr. Graves said that only one bid had been received for the street materials. The bid was from Claude C. Wood Company and the prices were commensurate with those the City has been paying. Mr. Graves recommended that award be made. On motion of Councilman Kirsten, Walton second, the City Council adopted Resolution No. 2752 awarding the contract for furnishing street materials to Claude C. Wood Company in accordance with their bid.

AWARD -  
STADIUM  
LIGHTING

RES. NO. 2753  
ADOPTED

Bids on the Stadium Lighting were as follows:

Collins Electric Co.	\$22,811.00
Graffigna Electric Co.	19,285.50
C.T.F. Inc.	13,990.00

Mr. Graves stated that the low bidder, C. T. F. Inc. also manufactured the seal beam lights. Mr. Bill Graffigna stated that it was not a fair bid since other bidders could not put the lights in for the same price as the manufacturer. Councilman Culbertson remarked that it might be wise to separate the bid in the future in such circumstances, one for materials and one for

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ELKS LODGE  
STADIUM  
CONTRACT

installation. On motion of Councilman Kirsten, Culbertson second, the City Council adopted Resolution No. 2753 awarding the contract for Stadium Lighting to C. T. F. Inc. for a total of \$13,990.00.

Mr. Graves presented the contract with Lodi Elks Lodge #1900 for use of the Stadium on August 8 for the All-Star football game. He said the contract was similar to previous contracts with the Elks except that it permitted the Elks to operate the concessions for the game. Mr. Graves explained that the concession contract with Hires had expired and the Elks wished to handle it for this one game. On motion of Councilman Kirsten, Walton second, the Council approved the contract with Lodi Elks Lodge for use of the Stadium on August 8, 1964.

SPECS  
LIBRARY  
FLOOR  
COVERING

Specifications for replacing the floor covering at the Library were presented for Council approval. There was some question as to whether or not the specifications were specific enough regarding the quality of flooring desired. Approval of the specifications was held over to the next meeting in order to determine if the specifications as written were adequate.

UNIFORM  
BLDG. CODE  
1964 ED.

City Manager Graves said that the Director of Public Works was recommending the adoption of the 1964 Edition of the Uniform Building Code which would be updating it from the 1961 Edition being used. On motion of Councilman Kirsten, Walton second, the Council set the proposal to adopt Ordinance No. 770 adopting the 1964 Edition of the Uniform Building Code for public hearing on September 2, 1964.

TRAFFIC  
SIGNALS AT  
KETTLEMAN  
AND HUTCHINS

A communication has been received from the State Division of Highways recommending the cooperative installation of traffic signals, safety lighting and curbs at the intersection of Kettleman Lane and Hutchins Street/West Lane. It is understood that the City will construct a <sup>driveway</sup> ~~sidewalk~~ along the south side of Kettleman Lane from Church Street to this intersection. In order to properly control the vehicular traffic at this intersection, the State recommends that the southerly driveway along the east side of Hutchins Street at the Mar-Val Super Market be closed. Mr. Graves said that the owners of the Mar-Val Market had not been contacted in regard to closing said driveway. On motion of Councilman Walton, Culbertson second, the matter was continued to the meeting of August 19, 1964 and meanwhile the City Manager is to inform the owners of the Mar-Val Market of the proposal to close one of their driveways. Mrs. Merle Wilson of Lowe's Village Subdivision said the signals at the intersection of Kettleman and Hutchins would not help the children of Lowe's Village during the summer or before and after school hours. She said the children going to Blakely Park would not walk up to Hutchins Street to cross at the signal. The Lowe's Village residents would like to have at least a flashing light at Church Street on Kettleman. The protection afforded by flashing lights was then discussed but no conclusions reached. 3/19/64  
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HOTEL-MOTEL  
TAX

In regard to the proposal to adopt a hotel-motel room tax ordinance, Mr. Graves stated that the seven or so motel operators had indicated during their informal meeting with the Council that they were reluctant to see the City levy such a tax until their competitors in other areas were also taxed. Councilman Kirsten said he was opposed to such an ordinance because it was for

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the purpose of preempting the State from assuming the prerogative and he felt it would be more efficient to have the State do the collecting. He was also opposed because the City of Lodi does not have a pressing need for such a tax; he said it would be just another headache for the businessman. Councilman Culbertson said he felt that way at first, but on further consideration he is of the opinion that the tax collecting will not be a problem, that the motel owner would have the same problem regardless of whether the tax was levied by the City or State, that the funds are necessary for beautifying the City, particularly the entrances where the motels are located. Further, if the City did not adopt the ordinance, the State would take over and the City would receive only a portion of the funds collected. Councilman Kirsten said this ordinance would be adding another tax and where was it going to stop. Vice-Mayor Dow stated that businesses that deal in a commodity have to collect sales tax and that the hotel-motel owners could collect a tax also. He felt that it would be an asset to have revenue for beautifying the City; too often aesthetics are overlooked. Councilman Culbertson moved that the proposal to adopt a 4% hotel-motel tax be set for public hearing on September 2, 1964. His motion was seconded by Councilman Walton and carried.

#### ORDINANCES

1964-65 UTILITY  
AND CAPITAL  
OUTLAY BUDGET

ORD. NO. 767  
ADOPTED

ORDINANCE NO. 767, entitled "ADOPTING A UTILITY AND CAPITAL OUTLAY BUDGET FOR THE CITY OF LODI FOR THE FISCAL YEAR BEGINNING JULY 1, 1964 AND ENDING JUNE 30, 1965," having been introduced at the regular meeting of July 15, 1964, was brought up for adoption on motion of Councilman Kirsten, Walton second. Second reading was omitted after reading by title, and then passed, adopted and ordered to print by the following vote:

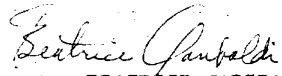
AYES: Councilmen - CULBERTSON, KIRSTEN, WALTON  
and DOW

NOES: Councilmen - None

ABSENT: Councilmen - BROWN

#### ADJOURNMENT

There being no further business the meeting adjourned at 11:10 p.m.

  
Attest: BEATRICE GARIBALDI  
City Clerk